

JUDGE SULLIVAN

11 CIV 6046

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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MOHAMMED A TIPOO

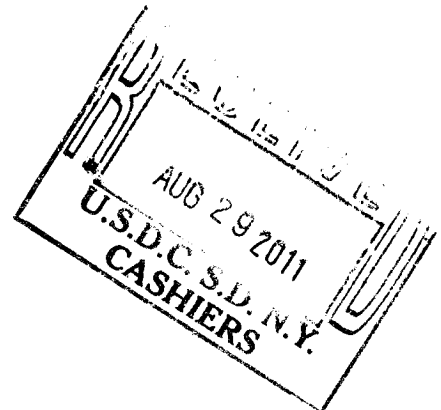
Plaintiff,

COMPLAINT

v.

COHEN & SLAMOWITZ, LLP

Defendant.
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INTRODUCTION

1. Plaintiff brings this action to secure redress from unlawful credit and collection practices engaged in by defendant Cohen & Slamowitz, LLP ("C&S"). Plaintiff alleges violation of the Fair Debt Collection Practices Act, 15 U.S.C. §1692 et seq. ("FDCPA").

2. The FDCPA broadly prohibits unfair or unconscionable collection methods; conduct which harasses, oppresses or abuses any debtor; and any false, deceptive or misleading statements in connection with the collection of a debt. Collectors are also required to give debtors certain information. 15 U.S.C. §§1692d, 1692e, 1692f and 1692g.

JURISDICTION AND VENUE

3. This Court has jurisdiction under 15 U.S.C. §1692k (FDCPA), 28 U.S.C. §1331.

4. Venue and personal jurisdiction in this District are proper because:

a. Defendant does business within this District.

5. Defendant, C&S, is a limited liability partnership with offices at 199 Crossways Park Drive in Woodbury, New York 11797, whose principal business is the collection of debts allegedly owed to others.

6. Defendant is a “debt collector” as defined in the FDCPA.

7. Defendant is licensed by the New York City Department of Consumer Affairs as a debt collector.

FACTS

8. On August 8th, 2011 at 7:38pm, defendant left a voice message for plaintiff.

9. The plaintiff is a “consumer” as defined by the FDCPA.

10. The voice message is a “communication” as defined by the FDCPA.

11. In making this phone call, defendant sought to collect a “debt” as defined by the FDCPA because the charges it attempted to collect arose from personal, family or household purposes and not from business purposes namely a credit card debt.

12. The message left on the voice mail belonging to the plaintiff was as follows: “This is Phyllis from the law offices of Cohen & Slamowitz. This message is for Mohammed Tippoo- it is in your best interest to contact me immediately at 1-800-293-6006. Thank you.”

VIOLATIONS ALLEGED

13. Defendant’s conduct violates 15 U.S.C. §§1692 and 1692e.

14. Section 1692e provides: A debt collector may not use any false, deceptive, or misleading representation or means in connection with the

collection of any debt. Without limiting the general application of the foregoing, the following conduct is a violation of this section:

§ 1692e. False or Misleading Representations

11) The failure to disclose in the initial written communication with the consumer and, in addition, if the initial communication with the consumer is oral, in that initial oral communication, that the debt collector is attempting to collect a debt and that any information obtained will be used for that purpose, and the failure to disclose in subsequent communications that the communication is from a debt collector, except that this paragraph shall not apply to a formal pleading made in connection with a legal action.

15. Defendant violated the above provision of the statute because the voice message did not contain the above required notice.

16. Defendant did not disclose the purpose of their call.

17. Defendant is liable to the plaintiff for statutory damages pursuant to 1692k.

WHEREFORE, the Court should enter judgment in favor of plaintiff and against the defendant for:

- (1) Statutory damages;
- (2) Attorney's fees, litigation expenses and costs of suit;
- (3) Such other and further relief as the Court deems proper.

Dated: New York, New York
August 25, 2011

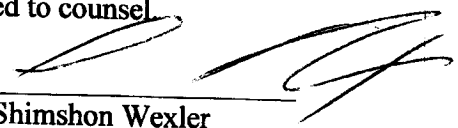
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Notice of Assignment

All rights relating to attorneys fees have been assigned to counsel.


Shimshon Wexler